

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
W. R. GRACE & CO., *et al.*,) Case No. 01-1139 (JKF)
) (Jointly Administered)
)
Debtors.)
)

**RESPONSE OF JOHN M. BELFERMAN, CLAIMANT NO. 12752,
TO DEBTORS' FIFTEENTH OMNIBUS OBJECTION (SUBSTANTIVE)
TO ASBESTOS PROPERTY DAMAGE CLAIMS**

John M. Belferman ("Claimant"), having filed Claim No. 12752 (the "Claim") for asbestos property claims in this action, responds to Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims (the "Fifteenth Omnibus Objection") as follows:

1. Claimant resides at 21600 Beallsville Road, Barnesville, Maryland 20838 (hereafter the "Property"), an owner-occupied residence which forms the basis for the Claim.

2. In 2000, Claimant undertook interior renovations of the Property, namely, a dining room, the walls and ceiling of which were at the time sheathed in wallboard coated with a textured paint in deteriorating condition. These renovations necessitated the removal of said wallboard and refinishing of the original plaster walls and ceiling underneath.

3. Upon information, Claimant suspected that the textured paint on the wallboard to be removed (which had been applied by a previous owner of the Property) might contain asbestos. Claimant therefore retained a qualified asbestos removal company, ACM Services Corporation, 1101 Taft Street, Rockville, Maryland 20850 ("ACM"), to test samples of the textured paint for asbestos content.

4. Claimant delivered samples of the textured paint to ACM on February 22, 2000. In a report dated February 25, 2000, attached hereto as Exhibit 1, ACM confirmed that the paint contained asbestos. Claimant subsequently executed an agreement with ACM (Exhibit 2) for removal of the affected wallboard in accordance with accepted asbestos removal standards at a cost of \$2,020.00.

5. ACM performed the removal of the asbestos-affected portions of the Property on August 3, 2000. By letter to the Claimant dated September 11, 2000 (Exhibit 3), ACM confirmed the proper disposal of asbestos waste from the property, enclosing a third party air monitoring report "which certifies that the air quality was below Environmental Protection Agency, recommended values for reoccupancy."

6. On March 28, 2003, Claimant signed and submitted a "W. R. Grace & Co. Asbestos Property Damage Proof of Claim Form," (the "Claim Form"), a copy of which is attached as Exhibit 4. Claimant answered affirmatively to Paragraph 22 of the Claim Form, namely, that someone on his behalf had made an effort "to remove, contain and/or abate" the product for which his claim was made, and attached relevant documentation including Exhibits 1, 2 and 3 to this response, and thus did not complete Paragraph 23 of the Claim Form, which requested an explanation for the absence of such documentation. Claimant's filing was accepted and assigned Claim Number 12752.

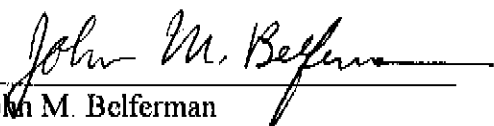
7. On or about September 1, 2005, Debtors filed their Fifteenth Omnibus Objection. Attached to Claimant's copy of this filing was a summary of the alleged applicable objections to Claim 12752, a copy of which is attached as Exhibit 5. This summary purported to include Claim 12752 among Exhibits D-2 (Claims barred by Statutes of Limitation (Constructive Notice)); Exhibit D-6 (Claims barred by laches); and Exhibit E-1 (Claims providing no measurement of relevant asbestos levels).

8. On September 16, 2005, Debtors filed and served on Claimant a "Notice of Filing Certain *Revised* Exhibits Regarding Debtors' Fifteenth Omnibus Objection," which included a summary of the effects of these revisions on Claim 12752. A copy of this summary is attached as Exhibit 6. It states that Claim 12752 had been removed from Exhibits D-2 and D-6 to the Fifteenth Omnibus Objection, which would leave Exhibit E-1 as the only remaining basis for the exclusion of this Claim.

9. On September 26, 2000, Debtors filed a "Notice of Filing of Summary Charts In Support of Debtors' Fifteenth Omnibus Objection," which was served upon Claimant together with a CD-ROM containing the charts in question. Computer examination of this CD-ROM confirms that Exhibit E-1 constitutes the only remaining basis for Debtors' Objection to Claim 12752. Debtors in their Fifteenth Omnibus Objection, p. 39, paragraph 119, state that "Exhibit E-1 lists claims that should be disallowed and expunged because they are not accompanied by *any* documentation reflecting airborne asbestos levels inside the buildings . . ." Because Claimant supplied supporting documentation with his original Claim, he cannot explain why Debtors maintain this stance with respect to Claim 12752, particularly at this preliminary stage of the bankruptcy proceeding. In any event, since documentation has been resubmitted by Exhibits 1, 2 and 3 of this Response – which substantiate the presence of asbestos contamination on the Property – Claimant avers that the Debtors' objection is unfounded and should be denied.

WHEREFORE, Claimant respectfully requests that the Court deny Debtors' remaining objection to Claim 12752 under Exhibit E-1 to the Fifteenth Omnibus Objection.

Respectfully submitted,


John M. Belferman



Analytics Division

Laboratory Corporation of America® Holdings
PO Box 25249
Richmond, Virginia 23260
Telephone: 800-868-8061

Group No. E053031
Account No. 19519510
Report Date: 02/25/00

DALE MCGUIRE
A C M SERVICES CORPORATION

1101 TAFT STREET
ROCKVILLE, MD 20850

Final Report

Date Received: 02/22/00 Date Sampled: 02/21/00
Sample Type: 1 - Bulk Sample(s)
Project: SAM498 PO Number:

Analytical Results

Client No.\ Description	Lab ID	Total Asbestos in Samp	Layer % of Samp	Sample Components	Results per Layer
003	-001	>1-5 %	100	WHITE CHALKY W/WHITE PAPER-LIKE Asbestos found in white chalky only	
				Chrysotile	>1-5 %
				Cellulose	20 %
				Non-fibrous	75 %

Debbie Grady, Analyst

Page 1

Exhibit 1

**ACM SERVICES, INC.**

1101 Taft Street, Rockville, Maryland 20850-1311

Phone: 301/279-0072

Fax: 301/279-0272

RESIDENTIAL AGREEMENT

ACM Services, Inc. (ACM) is pleased to submit the following proposal for the removal of asbestos containing material as set forth below. ACM will supply all labor, supervision, and material necessary to remove, transport, and dispose of the below listed asbestos in accordance with all applicable Federal, State and local regulations pertaining to an asbestos removal of this type. You will receive copies of air test results and landfill and transport manifest (usually about 30 days from completion) provided full payment has been received by ACM Services, Inc.

INDUSTRIAL HYGIENE SERVICES

ACM will contract with an independent hygiene (IH) firm to inspect the work, to collect air samples, and to provide documentation of acceptable air quality for the reoccupancy of the work area. The cost of these services is **\$280.00** and is included in this estimate. (You may elect to contract with an IH firm of your choice. In this case, ACM will pay for any re-inspection or PCM air clearance sampling due to a failed first inspection or clearance test. The following Cost Estimate will be adjusted in the event you elect to hire your own IH firm.)

Customer: John Belferman
21600 Beallsville Road
Barnesville, MD 20838
301-972-7467

Job Site: 21600 Beallsville Road
Barnesville, MD 20838

Removal Area (s): Old kitchen/dining area

Total Quantities: Removal of approximately 550 square feet of wall and ceiling plaster board.

Comments: All personal items must be removed from the work areas prior to the start of the project.

Scheduled Start Date: ASAP

Days to Complete: One

ACM accepts responsibility for complete removal only of the asbestos materials listed in this estimate. You, the homeowner (or his agent) acknowledge that asbestos detection and removal is sometimes a difficult task. Material which passes through floors and walls or is concealed in other structures sometimes may go undetected. You agree that as long as we use reasonable efforts to do our job, you will not sue us, make a claim against us, or file a complaint, even if we fail to locate certain asbestos or fail to remove unseen or unidentified asbestos. We accept responsibility for any damage we may do to your premises, furniture, or equipment, and we accept responsibility for complete removal of only the asbestos materials included in this estimate.

COST ESTIMATE

Removal, Disposal, and Air Monitoring:	\$2,020.00
Deposit Due with Acceptance:	\$1,010.00
Balance Due Upon Completion of Removal:	\$1,010.00

For ACM Services, Inc.

Robert M. ...

REVISED

June 2, 2000

Date

Customer's Acceptance

John M. Belferman

Signature

6-7-00

Date

Signature

Exhibit 2



*Asbestos and lead removal
and management*

ACM Services, Inc.
1101 Taft Street
Rockville, MD 20850-1311
301-279-0072 or 800-242-7760
Fax 301-279-0272
<http://www.ACMServices.com>

September 11, 2000

John Belferman
21600 Bcallsville Road
Barnesville, MD 20838

**RE: Wall and Ceiling Plaster
Sheet Flooring
(ACM #MD5045)**

Dear Mr. Belferman:

Enclosed is the executed copy of the transport and landfill manifest. This document indicates that the disposal of asbestos waste from the above referenced project was properly completed. In addition, enclosed is the third party air monitoring report, which certifies that the air quality was below Environmental Protection Agency, recommended values for reoccupancy.

These are the last documents that you should receive from our office regarding this abatement project. It was a pleasure working with you.

Should you need our services again or require additional information, please feel free to call.

Sincerely,
ACM Services, Inc.

(MD)
MD5045

SERVICE TRANSPORT GROUP, INC.

P.O. BOX 2132, BRISTOL, PA 19007

PHONE: (877) 999-9559

50865

WASTE SHIPMENT RECORD

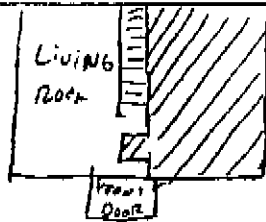
S.T.G. # 7R-2773

GENERATOR	1. Material Origin Site 21600 Beallsville Road Barnesville, MD 20838		Generator: Name/Address John halferman 21600 Beallsville Road Barnesville, MD 20838		Generator: Phone # 301-972-7467	
	2. Removal Contractor: Name/Address ACM Services, Inc. 1101 Taft Street Rockville, MD 20850-1311 Contact: Bob Hess					Contractor: Phone # 301-279-0072
	3. Responsible Agency: Name/Address U.S. EPA Region III 1650 Arch Street Philadelphia, PA 19103-2029		4. US DOT Class - FRIABLE ASBESTOS ONLY RQ ASBESTOS, 9, NA 2212, PG III			
	5. Description of Materials Specify Friable or Non-Friable Non-friable Asbestos Friable Asbestos		Containers No. Type 21 Bags 45 Bags		Total Quantity 2 (yd3) 4.5 (yd3)	
TRANSPORTER	6. Special Handling Instructions 24-hour emergency spill response no. 800-424-9300					
	7. Generator Certification: This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transport by highway according to the applicable regulations of the Department of Transportation, US E.P.A., and any other state government agency. I certify that the foregoing is true and correct to the best of my knowledge. If the waste shipment is not as I stated, I accept the RETURN of the COMPLETE LOAD to the generator's service location at the generator's expense.					
	Printed/Typed Name & Title Dale R. McGuire, Director of Operations		Signature <i>Dale R. McGuire</i>		Date 8-8-00	
	8. Transporter 1 (Acknowledgement of Receipt of Materials) *If blank, Transporter 2 serves as sole transporter. Company Name & Address Signature: _____ Printed Name: _____ Title: _____ Telephone No. _____ Date: _____					
DISPOSAL SITE	9. Transporter 2 (Acknowledgement of Receipt of Materials) Company Name & Address Service Transport Group, Inc. P.O. Box 2132 Bristol, PA 19007 Profile #00534 Signature: <i>[Signature]</i> Printed Name: _____ Title: _____ Telephone No. 877-999-9559 Date: 8-7-00					
	10. Discrepancy Indication Space:					
DISPOSAL SITE	11. Waste Disposal/Recycling Site Owner or Operator's Certification (Receipt of above Waste Except as Noted in 10) Company Name & Address Greenridge Reclamation R.D. #1, Box 716 Landfill Road Scottsdale, PA 15683 Permit No. 100281 Signature: <i>Denise L. Rugg</i> Printed Name: Denise L. Rugg Date: AUG 31, 2000 Telephone No. 724-887-9400 Date: _____					
	Scale Operator					

DAILY MONITORING REPORT

Project Name: Barnesville residence Project Number: 000-1312
Client's Name: ACM Services, Inc. Date: 08/03/00
Project Address: 21600 Barnesville Road Barnesville Md. Prepared by: E. CURSTON
1. Number of employees present from abatement contractor: 5
2. Number of hours worked by the contractor: 10:00 From: 6:00 To: 4:00
3. Number of air samples taken (excluding blanks and quality control): 4
4. Number of bulk samples taken and where: 0

Sketch area:



AREA UNDER CONTAINMENT

5. Amount and location of asbestos removed: ceiling/wall plaster, mastic
6. Removal methods used: full containment
7. Total number of bags generated: 37
8. Disposal/storage area: ACM waste trench
9. Air sample results from prior day given to contractor or posted? NO If no, explain: 1st day
10. Special notes: (particular problems, special visits, equipment malfunction, specific non-compliance noted, asbestos disposal, HEPA filter changes, problems with air monitoring results)

10:30 I.H. on site containment already up & set and
calibrate pumps
11:00 Crew begins abatement samples started
1:30 Bag-out and fine cleaning begin
2:15 Encapsulation Begins
3:00 Final air sample begin
4:50 Final sample read clearance for teardown begin
5:00 I.H. departs site

ASBESTOS AIR SAMPLE LOG

Project Name: Beverly, Indiana Project Number: COO-1312
 Client's Name: APM SERVICES, INC Date: 08/03/00
 Project Address: _____ Prepared by: E. CURTTON
 Sampler: ERIK CURTTON Analyst: ERIK CURTTON
 Sample Type: PCM Filter Size: 2.5um

Sample No.	Pump No.	Flow On (L/min.)	Flow Off (L/min.)	Time On	Time Off	Total Min.	Volume	Fibers/Fields	Fibers/cc	Location
080500 EC01	806	2.5	2.5	11:00	4:30	330	825	$\frac{4}{100}$	40.01	O.W.A. 2' from clean room entrance
080300 EC02	808	2.5	2.5	11:00	11:30	30	75	$\frac{8}{100}$	40.02	I.W.A.
080300 EC03	809	2.5	2.5	10:55	2:00	185	4625	$\frac{16}{100}$	40.11	Personal
080300 EC04	910	12.0	12.0	3:00	4:40	100	1200	$\frac{3}{100}$	40.01	FINAL
080700 EC05	N/A	N/A	N/A	N/A	N/A	N/A	N.F.O.	N.F.O.	N/A	BLANK # 1 (FIELD)
080300 EC06	N/A	N/A	N/A	N/A	N/A	N/A	N.F.O.	N.F.O.	N/A	BLANK # 2 (lab)

Analyst Signature: Erik Curtton

Clayton E. Miller, L.H.
Project Manager

W.R. GRACE & CO. ASBESTOS PROPERTY DAMAGE PROOF OF CLAIM FORM

To: United States Bankruptcy Court for the District of Delaware
In re: W.R. Grace & Co., et al., Debtors, Case No. 01-01139 (JKE)
(Jointly Administered)

SUBMIT COMPLETED CLAIMS TO:

Claims Processing Agent
Re: W.R. Grace & Co. Bankruptcy
PO Box 1620
Faribault, MN 55021-1620

For a complete list of the Debtors in this case, please see "The Debtors" section of the *General Instructions for Completing Proof of Claim Forms*. The Debtors in this case are collectively referred to in this document as "Grace."

If you have a current claim against Grace for property damage allegedly resulting from asbestos from a Grace product (other than Zonolite Atac Insulation), THIS ASBESTOS PROPERTY DAMAGE PROOF OF CLAIM FORM MUST BE RECEIVED ON OR BEFORE 4:00 P.M. EASTERN TIME ON MARCH 31, 2003, or you will be forever barred from asserting or receiving payment for your claim.

This document is not to be reproduced without the written permission of W.R. Grace & Co. Bankruptcy.

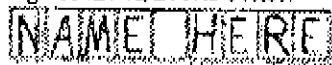
Exhibit 4

INSTRUCTIONS FOR FILING THE W.R. GRACE & CO. ASBESTOS PROPERTY DAMAGE PROOF OF CLAIM FORM

WHO SHOULD USE THIS ASBESTOS PROPERTY DAMAGE PROOF OF CLAIM FORM

1. This Asbestos Damage Proof of Claim Form (referred to in this document as the "Form") applies only to current claims made against Grace by or on behalf of parties who are alleging property damage with respect to asbestos in real property owned by the party (such person is referred to in this document as the "claiming party") from a Grace asbestos-containing product or as a result of one of Grace's vermiculite mining, milling, or processing facilities.
2. The Bar Date does not apply to Asbestos Personal Injury Claims, Settled Asbestos Claims or Zonolite Attic Insulation Claims. Those claims will be subject to a separate claim submission process and should not be filed at this time.
3. This form should not be used for Medical Monitoring Claims or Non-Asbestos Claims. Instead, separate specialized proof of claim forms for these claims should be completed.
4. If you are alleging current claims against Grace with respect to asbestos in more than one (1) real property, the claiming party should complete an Asbestos Property Damage Proof of Claim Form for each property. You may request additional forms by calling the Claims Processing Agent at 1-800-432-1909.

GENERAL INSTRUCTIONS

1. This form must be signed by the claimant or authorized agent of the claimant. **THIS FORM MUST BE RECEIVED ON OR BEFORE 4:00 PM EASTERN TIME ON MARCH 31, 2003**, or you forever will be precluded from asserting your claim(s) against or receiving payment from Grace. Return your completed form to the Claims Processing Agent, Re: W.R. Grace & Co. Bankruptcy, P.O. Box 1620, Fairbault, MN 55021-1620.
If you are returning this form by mail, allow sufficient time so that this form is received on or before March 31, 2003. Forms that are postmarked before March 31, 2003 but received after March 31, 2003 will not be accepted. Only original forms will be accepted for filing. Forms transmitted by facsimile will not be accepted for filing.
2. If you cannot fit all information in any particular section or page, please make a copy of that page before filing it out and attach as many additional pages as needed.
3. If you are unable to provide any of the information required by the proof of claim form, please so specify, as well as provide a short statement describing why such information is unavailable. If you are in the process of obtaining such information at the time you file your proof of claim, please so advise and indicate that the same shall be provided when obtained.
4. This form must be filled out completely using **BLACK** or **BLUE** ink or may be typewritten.
 - Please print clearly using capital letters only.
 - Do not use a felt tip pen.
 - Skip a box between words.
 - Do not bend or fold the pages of the form.
 - Do not write outside of the boxes or blocks.
5. Because this form will be read by a machine, please print characters using the examples below. For optimum accuracy, please print in capital letters and avoid contact with the edge of the character boxes.
6. Mark check boxes with an "X" (example at right). 
7. Be accurate and truthful. A Proof of Claim Form is an official court document that may be used as evidence in any legal proceeding regarding your claim. The penalty for presenting a fraudulent claim is a fine of up to \$500,000 or imprisonment for up to five years or both. 18 U.S.C. §§ 152 & 3571.
8. Make a copy of your completed Form to keep for your records. Send only original Forms to the Claims Processing Agent at the following address: Claims Processing Agent, Re: W.R. Grace & Co. Bankruptcy
PO Box 1620
Fairbault, MN 55021-1620.
9. You will receive written notification of the proof of claim number assigned to this claim once it has been processed.

PART 1: CLAIMING PARTY INFORMATION

NAME:

JOHN MICHAEL BELFERMAN

Name of individual claimant (first, middle and last name) or business claimant

SOCIAL SECURITY NUMBER (Individual Claimants): F.E.I.N. (Business Claimants)

4208

(last four digits of SSN)

Other names by which claiming party has been known (such as maiden name or married name):

First

MI

Last

First

MI

Last

GENDER: ☒ MALE ☐ FEMALE

Mailing Address:

21600 BEALLSVILLE ROAD

Street Address

BARNESVILLE

City

MD

State

20838

Zip Code

(Province) (Postal Code)

UNITED STATES

Country

PART 2: ATTORNEY INFORMATION

The claiming party's attorney, if any (You do not need an attorney to file this form):

Law Firm Name:

Name of Attorney:

First

MI

Last

Mailing Address:

Street Address

City

State

Zip Code

(Province) (Postal Code)

Telephone:

() -

Area Code

9276101

SERIAL #

PART 3: PROPERTY INFORMATION

A Real Property For Which A Claim Is Being Asserted

1. What is the address of the real property for which a claim is being asserted (referred to herein as "the property")?

21600 BEALLSVILLE ROAD

Street Address

BARNESVILLE

City

MD

State

20838

Zip Code

UNITED STATES

Country

(Province) (Postal Code)

2. Are you completing an Asbestos Property Damage Proof of Claim Form for any other real property other than the one listed at "1" above?

☐ Yes☒ No

3. Do you currently own the property listed in Question 1, above?

☒ Yes☐ No

4. When did you purchase the property?

09 - 27 - 1998

Month Day Year

5. What is the property used for (check all that apply)

☒ Owner occupied residence☐ Residential rental☐ Commercial☐ Industrial Specify:☐ Other Specify:

6. How many floors does the property have?

002

7. What is the approximate square footage of the property?

000001400

8. When was the property built?

☒ Before 1969☐ 1969 - 1973☐ After 1973

9. What is the structural support of the property?

☒ Wood frame☐ Structural concrete☐ Brick☐ Steel beam/girder☐ Other Specify:

10. Have you or has someone on your behalf completed any interior renovations on the property which affected any asbestos on the property?

☒ Yes☐ No

9276102

SERIAL #

A. Real Property For Which A Claim Is Being Asserted (continued)

If yes, please specify the dates and description of such renovations.

2000

Year

Description

RENOVATE DINING ROOM, REMOVE TEXTURE

Year

Description

Year

Description

11. To the best of your knowledge, have any other interior renovations been completed on the property during any other period of time which affected any asbestos on the property?

☐ Yes☒ No

If yes, please specify the dates and descriptions of such renovations.

Year

Description

Year

Description

Year

Description

B. Claim Category

12. For which category are you making a claim on the property?

☒ Category 1: Allegation with respect to asbestos from a Grace product in the property☐ Category 2: Allegation with respect to one of Grace's vermiculite mining, milling or processing operations

If you checked Category 1 in question 12, complete section C.

If you checked Category 2 in question 12, complete section D.

C. Category 1 Claim: Allegation With Respect To Asbestos From A Grace Product In The Property

13. For what alleged asbestos-containing product(s) are you making a claim?

☐ Monokote-3 fireproofing insulation☒ Other

Specify:

TEXTURED PAINT (WHITE) WILL PROVIDE INFO WHEN RECEIVED

(For a list of the brand names under which Grace manufactured products that may have contained commercially added asbestos, see Exhibit 2 to the Claims Bar Date Notice provided with this Proof of Claim Form.)

14. When did you or someone on your behalf install the asbestos containing product(s) in the property?

2000

Year

☒ I did not install the product(s)

15. If you or someone on your behalf did not install the asbestos containing product(s), to the best of your knowledge, when was/were the product(s) installed?

1972

Year

☐ Don't know.

9276103

SERIAL #

16. Do you have documentation relating to the purchase and/or installation of the product in the property?

☐ Yes ☒ No

If Yes, attach all such documents. If the documents are too voluminous to attach, attach a summary of the documents indicating the name of each document, date of each document, a brief description of the document, the location of the document, and who has possession and control of the document.

If you provide a summary of documents rather than the documents themselves, you are required to consent to the production and release of those documents to Grace upon Grace's further request.

If you do not have any such documents, explain why not and indicate who may have possession or control of such documents with respect to the property.

TEXTURED PAINT APPLIED TO SHEETROCK BEFORE I BOUGHT,
BELIEVE APPLIED BY STEWART COLLINS, 22460 OLD
HUNDRED ROAD, POOLESVILLE, MD 20837

18. When did you first know of the presence of asbestos in the property of the Grace product for which you are making this claim?

2000

Year

Please attach all documents relating or referring to the presence of asbestos in the property for which you are making this claim. If the documents are too voluminous to attach, attach a summary of the documents indicating the name of each document, date of each document, a brief description of the document, the location of the document, and who has possession and control of the document.

If you provide a summary of documents rather than the documents themselves, you are required to consent to the production and release of those documents to Grace upon Grace's further request.

19. How did you first learn of the presence of asbestos in the property of the Grace product for which you are making this claim?

BEFORE REMOVING PAINTED WALLBOARD, TOOK PAINT SAMPLE
FOR TESTING TO ACM SERVICES, INC., ROCKVILLE, MD.

20. When did you first learn that the Grace product for which you are making this claim contained asbestos?

2000

Year

21. How did you first learn that the Grace product for which you are making the claim contained asbestos?

TESTING COMPANY REPORTED POSITIVE RESULT

22. Have you or someone on your behalf made an effort to remove, contain and/or abate the Grace product for which you are making this claim?

☒ Yes ☐ No

If Yes, attach all documents relating or referring to such efforts. If the documents are too voluminous to attach, attach a summary of the documents indicating the name of each document, date of each document, a brief description of the document, the location of the document, and who has possession and control of the document.

If you provide a summary of documents rather than the documents themselves, you are required to consent to the production and release of those documents to Grace upon Grace's further request.

23. If you do not have any such documents, explain why not and indicate who may have possession and control of such documents with respect to the property.

24. If you or someone on your behalf did not make an effort to remove, contain and/or abate the Grace product(s) for which you are making a claim, to the best of your knowledge, did anyone else make such an effort?

☐ Yes ☐ No

9276104

SERIAL #

23. If you responded Yes to question 22, or 24, and you have not supplied documents, please specify the dates and descriptions of any such efforts.

Year

Description

Year

Description

Year

Description

26. Have you or anyone on your behalf ever conducted any testing or sampling for the presence of asbestos or other particulates in the property?

☒ Yes

☐ No

If Yes, Attach All Documents Related To Any Testing Of The Property.

27. If you responded Yes to question 26, but you have not provided documents, indicate who may have possession or control of such testing documents or where such documents may be located.

28. If you or someone on your behalf did not conduct any testing or sampling for the presence of asbestos or other particulates on the property, to the best of your knowledge, did anyone else conduct such testing or sampling with respect to the property?

☐ Yes

☐ No

29. If you responded Yes to question 26, or 28, and you have not supplied related documents, please describe when and by whom and the type of testing and/or sampling (e.g. air, bulk and dust sampling).

Year

Company/Individual

Type of testing.

Year

Company/Individual

Type of testing.

Year

Company/Individual

Type of testing.

30. Has the Grace product or products for which you are making this claim ever been modified and/or disturbed?

☐ Yes

☒ No

31. If yes, specify when and in what manner the Grace product or products was modified and/or disturbed?

Year

Description

Year

Description

Year

Description

9276105

SERIAL #

D. Category 2 Claims: Allegation With Respect To One of Grace's Vermiculite Mining, Milling Or Processing Operations

32. What is the business address or location of the Grace operation which has led to your claim?

Business Name																			
Street Address																			
City										State					Zip Code				
										(Province)					(Postal Code)				
Country																			

33. If your claim relates to a personal residence, does (or did) anyone living in the household work for Grace?

☐ Yes ☐ No

34. If yes, specify the following for each such individual:

<p>Name of Individual Working at Grace Operation</p> <p>Date of Birth</p> <p>Month Day Year</p> <p>Occupation(s) of Individual</p> <p>Dates Worked at Operation</p> <p>From: Year To: Year</p>	<p>Name of Individual Working at Grace Operation</p> <p>Date of Birth</p> <p>Month Day Year</p> <p>Occupation(s) of Individual</p> <p>Dates Worked at Operation</p> <p>From: Year To: Year</p>
<p>Name of Individual Working at Grace Operation</p> <p>Date of Birth</p> <p>Month Day Year</p> <p>Occupation(s) of Individual</p> <p>Dates Worked at Operation</p> <p>From: Year To: Year</p>	<p>Name of Individual Working at Grace Operation</p> <p>Date of Birth</p> <p>Month Day Year</p> <p>Occupation(s) of Individual</p> <p>Dates Worked at Operation</p> <p>From: Year To: Year</p>

35. When did you first know of the presence of asbestos on your property?

Year

9276106

SERIAL #.

36. How did you first learn of the presence of asbestos on your property?

Attach all documents relating or referring to the presence of asbestos on the property. If the documents are too voluminous to attach, attach a summary of the documents indicating the name of each document, date of each document, a brief description of the document, the location of the document, and who has possession or control of the document.

If you provide a summary of the documents rather than the documents themselves, you are required to consent to the production and release of those documents to Grace upon Grace's further request.

37. If you do not have any documents relating or referring to the presence of asbestos on the property, explain why not and indicate who may have possession or control of any such documents with respect to the property.

38. Have you or anyone on your behalf made an effort to remove, contain and/or abate the asbestos on your property?

☐ Yes ☐ No

If Yes, attach all documents relating or referring to such efforts. If the documents are too voluminous to attach, attach a summary of the documents indicating the name of each document, date of each document, a brief description of the document, the location of the document, and who has possession or control of the document.

If you provide a summary of the documents rather than the documents themselves, you are required to consent to the production and release of those documents to Grace upon Grace's further request.

39. If you do not have any documents relating or referring to the removal, containment and/or abatement of the asbestos on your property, explain why not and indicate who may have possession and control of such documents with respect to the property.

40. If you or someone on your behalf did not make an effort to remove, contain and/or abate the asbestos on your property, to the best of your knowledge, did anyone else make such an effort?

☐ Yes ☐ No

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SERIAL #.

41. If you responded Yes to question 38 or question 40 and you have not supplied related documents, please specify the dates and descriptions of any such efforts.

Year	Description
Year	Description
Year	Description

42. Have you or anyone on your behalf conducted any other testing or sampling for the presence of asbestos on your property?

☐ Yes ☐ No

If Yes, attach all documents relating or referring to such efforts. If the documents are too voluminous to attach, attach a summary of the documents indicating the name of each document, date of each document, a brief description of the document, the location of the document, and who has possession or control of the document.

If you provide a summary of the documents rather than the documents themselves, you are required to consent to the production and release of those documents to Grace upon Grace's further request.

43. If you do not have any documents relating or referring to any other such testing or sampling for the presence of asbestos on your property, explain why not and indicate who may have possession or control of such documents with respect to the property.

44. If you or someone on your behalf did not conduct any other testing or sampling for the presence of asbestos on your property, to the best of your knowledge, did anyone else conduct such testing or sampling?

☐ Yes ☐ No

45. If you responded Yes to question 42 or question 44 and you have not supplied related documents, please specify the dates and descriptions of any such efforts.

Year	Description
Year	Description
Year	Description

46. Were you aware of the presence of asbestos on your property when you purchased your property?

☐ Yes ☐ No

47. If you have sold the property, were you aware of the presence of asbestos on your property when you sold your property?

☐ Yes ☐ No ☐ Not Applicable, have not sold the property

9276108

SERIAL #:

INTRODUCTION

- ☒ No
☐ Yes - lawsuit
☐ Yes - non-lawsuit claim (other than a workers' compensation claim)

- ☒ No
☐ Yes - lawsuit
☐ Yes - non-lawsuit claim (other than a workers' compensation claim)

If an asbestos-related property damage non-lawsuit claim has been made by or on behalf of this claiming party relating to the property for which you are making a claim, complete Section C on the following page.

B. LAWSUITS

- ### a. Caption

b. Court where suit originally filed:

Country/State

Docket No.

c Date filed:

Month - Day - Year

2. CAPTION

6. Court where suit originally filed:

County/State

DocId: 3421

c. Date filed

Month Day Year

a Canaliculi

Exhibits were submitted originally filed:

County/State

Docket No.

c Date filed

--
 Month Day Year

9276109

SERIAL #:

NON-LAWSUIT CLAIMS

1. If the claiming party has made any claims relating to the property for which you are making a claim (including administrative claims) against anyone, that was not filed with a court of law, please provide the following information for each claim:

a. Description of claim:

b. Date submitted:

Month		Day		Year	

c. Name of entity to whom claim was submitted:

☐ Grace☐ Other

Name of Entity

a. Description of claim:

b. Date submitted:

Month		Day		Year	

c. Name of entity to whom claim was submitted:

☐ Grace☐ Other

Name of Entity

a. Description of claim:

b. Date submitted:

Month		Day		Year	

c. Name of entity to whom claim was submitted:

☐ Grace☐ Other

Name of Entity

PART 5: SIGNATURE PAGE

All claims must be signed by the claiming party.

I have reviewed the information submitted on this proof of claim form and all documents submitted in support of my claim. I declare, under penalty of perjury,* that the above statements are true, correct, and not misleading.

CONSENT TO RELEASE OF RECORDS AND INFORMATION: To the extent that I have produced a summary rather than the documents themselves as requested above or indicated who has possession and control of certain documents, I hereby authorize and request that all other parties with custody of any documents or information concerning my property damage or the information contained in this Form, upon the reasonable request of Grace or Grace's representative, with a copy to the claiming party, disclose any and all records to Grace or to Grace's representative.

John Michael Belferman
SIGNATURE OF CLAIMANT

03	28	2003
Month	Day	Year

*The penalty for presenting a fraudulent claim is a fine up to \$500,000.00 or imprisonment up to 5 years, or both.
18 U.S.C. §§ 152 & 2571.

9276110

SERIAL #:

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**Fifteenth Omnibus Objection (Substantive)
Asbestos Property Damage Claims
Applicable Objections – Claim # 12752**

EXHIBIT D-2**Claims barred by Statutes of Limitation (Constructive Notice)**

Claimant Name	Claim Number	Claim Amount**	Reason for Proposed Disallowance
JOHN MICHAEL BELFERMAN	12752	N/A	Statute of Limitation defense based on Constructive Notice.

**Del.Bankr.LR 3007-1(e)(iii) requires that the Debtors include, on this exhibit, a column listing the amount of the claim. The claim amount column on this exhibit reflects a status of "N/A" due to the fact that the court-approved Asbestos Property Damage Proof of Claim Form did not require claimants to provide a claim amount.

EXHIBIT D-6**Claims barred by laches**

Claimant Name	Claim Number	Claim Amount**	Reason for Proposed Disallowance
JOHN MICHAEL BELFERMAN	12752	N/A	Claim for which the claimant's delay in bringing such claim has unreasonably prejudiced Grace and thus serves as a legal bar pursuant to applicable law.

**Del.Bankr.LR 3007-1(e)(iii) requires that the Debtors include, on this exhibit, a column listing the amount of the claim. The claim amount column on this exhibit reflects a status of "N/A" due to the fact that the court-approved Asbestos Property Damage Proof of Claim Form did not require claimants to provide a claim amount.

EXHIBIT E-1**Claims providing no measurement of relevant asbestos levels**

Claimant Name	Claim Number	Claim Amount**	Reason for Proposed Disallowance
JOHN MICHAEL BELFERMAN	12752	N/A	Claimant failed to provide air (or even irrelevant dust) sampling data reflecting the subject property's asbestos levels.

**Del.Bankr.LR 3007-1(e)(iii) requires that the Debtors include, on this exhibit, a column listing the amount of the claim. The claim amount column on this exhibit reflects a status of "N/A" due to the fact that the court-approved Asbestos Property Damage Proof of Claim Form did not require claimants to provide a claim amount.

Total Number of Exhibits for Claim 12752 : 3

Exhibit 5

**Fifteenth Omnibus Objection (Substantive)
Asbestos Property Damage Claims
Applicable Objections – Claim # 12752**

EXHIBIT C-3 (D)

Claims supplying documentation relating to product identification, but such documentation is insufficient to establish use of a Grace asbestos-containing product*

Status of Claim: Claim #12752 was not included on Exhibit C-3 (d) as originally filed and has not been added to Amended Exhibit C-3 (d)

EXHIBIT D-2

Claims barred by Statutes of Limitation (Constructive Notice)

Status of Claim: Claim #12752 was removed from Exhibit D-2

EXHIBIT D-4

Claims barred by Statutes of Limitation (Actual Notice)

Status of Claim: Claim #12752 was not included on Exhibit D-4 as originally filed and has not been added to Amended Exhibit D-4

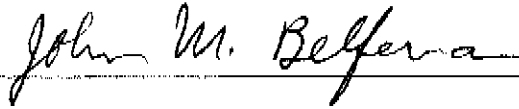
EXHIBIT D-6

Claims barred by laches

Status of Claim: Claim #12752 was removed from Exhibit D-6

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2005, copies of the foregoing Response of John M. Belferman, Claimant No. 12752, to Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims were mailed, postage pre-paid, to Katherine Phillips, Esq., Kirkland & Ellis LLP, 200 East Randolph Drive, Chicago, Illinois 60601, and to James E. O'Neill, Esq., Pachulski, Stang, Ziehl, Young, Jones & Weintraub P.C., 919 North Market Street, 16th Floor, P.O. Box 8705, Wilmington, Delaware 19899-8705, Attorneys for the Debtors.

A handwritten signature in cursive script, reading "John M. Belferman", is written over a horizontal line.

John M. Belferman